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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,100	07/10/2003	Yutaka Banba	35848	1988
116	7590	06/19/2006	EXAMINER RIZK, SAMIR WADIE	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			ART UNIT 2133	PAPER NUMBER

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/617,100	BANBA, YUTAKA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sam Rizk	2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 March 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2,4-7,12,13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 2,4-7,12,13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/15	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

### ***DETAILED ACTIONS***

- Claims 1,3,8-11 have been cancelled
- Amended claims 2,4-7,12 and 13 have been submitted for examination
- Amended claims 2,4-7,12 and 13 have been rejected

### ***Information Disclosure Statement***

1. IDS filed on 7/10/2003 have been considered and forwarded to the applicant with this office action.

### ***Response to Arguments***

2. In regard to amended claim 2, applicant's arguments see pages 8 and 9 filed 3/20/2006 have been fully considered but they are not persuasive.  
The applicant argument that Kawahara does not explicitly teach applying **both** an error-detection and error correction encoding to the same data is not persuasive.

The examiner notes Kawahara teaches this features in several sections:

- I. In claim 3 in Kawahara teaches:

An error protection method of claim 1, wherein the data that determines for each class the method of **error protection to be applied to each said parameter contains of an encoding ratio of an error-correcting code to be applied to the parameters belonging to each class, a number of bits of the error detection code, and at least one data relating to the execution of interleaving.**

- II. Col. 4, Lines 16-40 in Kawahara teaches the production of Frame-Forming data that applies **both** an error-detection and error correction encoding to the same data:

- 15) b. Production of Frame-Forming Data

(16) The frame-forming data computing part 101 determines the total number of bits of the parameters produced by the encoder within 1 frame cycle, and outputs the data Cb.sub.1 -Cb.sub.n indicating the number of bits of class data of each class 1-n.

(17) Furthermore, in addition to outputting the data Cb.sub.1 -Cb.sub.n indicating the number of bits of class data of each class, the frame-forming data computing part 101 also outputs the data CC.sub.1 -CC.sub.n indicating the error protection content applied to the class data of each class.

(18) Each of the data CC.sub.1 -CC.sub.n includes, for example, an encoding algorithm for error encoding and data as to whether or not interleaving was performed and the type of the interleaving if performed.

(19) Moreover, the frame-forming data computing part 101 outputs the data ECR.sub.1 -ECR.sub.n indicating an encoding rate in cases where error correction is implemented for class data of each class 1-n. The data ECR.sub.1 -ECR.sub.n is determined based on a residual error ratio for class data of each class.

(20) Moreover, the frame-forming data computing part 101 outputs the data EDB.sub.1 -EDB.sub.n indicating the number of bits of an error detection code in cases where an error detection code (e.g., bits of cyclic redundancy code) is added to class data for each class 1-n. The number of these bits is determined based on the error sensitivity of the class data of each class.

3. In regard to claim 5, the applicant argument, see page 5 filed 3/20/2006, that Kawahara teaches grouping data into classes according to the error protection method to be applied and Kawahara does not teach providing the classes in a particular order as specifically required in claim 5 is not persuasive.

The Examiner notes that Kawahara teaches the order of protection of the different classes in FIG. 2C and col.4, lines (65-67) through col. 5, lines (1-5).

4. In regard to claim 6, the applicant argument, see page 5 filed 3/20/2006, that Kawahara does not specify what kind of decoder is used, Viterbi or otherwise is not persuasive.

The Examiner notes that Kawahara in col. 1, line 45 teaches convolution coding. For a person skilled in the art will recognize that Viterbi decoding belong to the family of convolution decoding.

5. In regard to claim 4, the applicant argument, see page 10 filed on 3.220/2006 that Kawahara does not teach the compressed frame data is audio compressed data is not persuasive.

The Examiner notes that Kawahara Figs. 2A and 2B and col. 3, lines (28-33) teaches compression encoding of samples sequences of voice signals to be transmitted in a communication channel.

6. It is the Examiner's conclusion that independent claims 2,12 and 13 are not patentably distinct or non-obvious over the prior arts of record namely, Kawahara. Therefore, the rejection is maintained. Based on their dependency on claim 2, claim 4 stand rejected under **35 USC § 103** and claims 5-7 stand rejected under **35 USC § 102** per the office action filed on 12/20/2005 pages 4-6.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).  
  
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.  
  
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571)-272-8191. The examiner can normally be reached on M-F 8-5.  
  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decay can be reached on (571)272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2133

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sam Rizk, MSEE, ABD

Examiner

ART UNIT 2133

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